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GROUND WATER QUALITY BUREAU
DISCHARGE PERMIT
Issued under 20.6.2 NMAC

Facility Name: Mesquite Waste Disposal
Discharge Permit Number: DP-1907
Facility Location: 725 CR B-059
Mesquite, NM

County: Doña Ana

Permittee: Wilfred E. Binns, Manager
Mailing Address: 2700 Missouri Ave, Ste 1
Las Cruces, NM 88011

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Permitting Action: New

Permit Issuance Date: DATE
Permit Expiration Date: DATE (7 years from issuance date) or 5 years from
commencement of discharge
[20.6.2.3109.H(4) NMAC]

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MICHELLE HUNTER
Chief, Ground Water Quality Bureau
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Date

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I. INTRODUCTION

The New Mexico Environment Department (NMED) issues this groundwater discharge permit (Discharge Permit), DP-1907, to the Mesquite Waste Disposal Company, LLC (Permittee) pursuant to the New Mexico Water Quality Act (WQA), NMSA 1978 §§74-6-1 through 74-6-17, and the New Mexico Water Quality Control Commission (WQCC) Ground and Surface Water Protection Regulations, 20.6.2 NMAC.

NMED's purpose in issuing this Discharge Permit, and in imposing the requirements and conditions specified herein, is to control the discharge of water contaminants from the Mesquite Waste Disposal (Facility) in order to protect groundwater and those segments of surface water gaining from groundwater inflow for present and potential future use as domestic and agricultural water supply and other uses, and to protect public health. It is NMED's determination in issuing this Discharge Permit that the Permittee has met the requirements of Subsection C of 20.6.2.3109 NMAC. The Permittee is responsible for complying with the terms and conditions of this Discharge Permit pursuant to Section 20.6.2.3104 NMAC; failure to do so may result in enforcement action by NMED (20.6.2.1220 NMAC).

Described below are the activities that produce the discharge, the location of the discharge, and the quantity, quality and flow characteristics.

Domestic septage waste (including chemical toilet waste) from septic tanks delivers to the Facility by waste haulers, in trucks, and discharges at a volume up to 50,000 gallons per day (gpd) to a receiving basin and subsequently gravity flows to a system of four synthetically lined impoundments for disposal by evaporation. Solid material and debris are hauled off-site for disposal.

The Facility is located at 725 CR B-059, approximately 4 miles northeast of Mesquite, in Section 21, T24S, R03E, Doña Ana County. A discharge at the Facility is most likely to affect groundwater at a depth of approximately 430 feet and has a pre-discharge total dissolved solids concentration of 1,670 milligrams per liter.

The application (i.e., discharge plan) associated with this Discharge Permit consists of the materials submitted by the Permittee dated March 6, 2020 and materials contained in the administrative record prior to issuance of this Discharge Permit.

The Permittee shall manage this discharge in accordance with all conditions and requirements of this Discharge Permit.

NMED reserves the right to require a Discharge Permit Modification in the event NMED determines that the Permittee is violating or may be violating the requirements of 20.6.2 NMAC

or the standards of Section 20.6.2.3103 NMAC. NMED reserves this right pursuant to Section 20.6.2.3109 NMAC. An NMED requirement to modify the Discharge Permit may result from a determination that structural controls and/or management practices approved under this Discharge Permit need to be more stringent to protect groundwater quality. NMED reserves the right to require the Permittee implement abatement of water pollution and remediate groundwater quality.

NMED's issuance of this permit does not relieve the Permittee of the responsibility to comply with the WQA, WQCC Regulations, and any other applicable federal, state and/or local laws and regulations, such as zoning requirements and nuisance ordinances.

This Discharge Permit may use the following acronyms and abbreviations.

Abbreviation	Explanation	Abbreviation	Explanation
CFR	Code of Federal Regulations	NMSA	New Mexico Statutes Annotated
Cl	chloride	NO ₃ -N	nitrate-nitrogen
EPA	United States Environmental Protection Agency	QA/QC	Quality Assurance/Quality Control
gpd	gallons per day	TDS	total dissolved solids
mg/L	milligrams per liter	TKN	total Kjeldahl nitrogen
mL	milliliters	WQA	New Mexico Water Quality Act
NMAC	New Mexico Administrative Code	WQCC	Water Quality Control Commission
NMED	New Mexico Environment Department	WWTF	Wastewater Treatment Facility

II. FINDINGS

In issuing this Discharge Permit, NMED finds the following.

1. The Permittee is discharging effluent or leachate from the Facility so that such effluent or leachate may move into groundwater of the State of New Mexico that has an existing concentration of 10,000 mg/L or less of TDS, within the meaning of Subsection A of 20.6.2.3101 NMAC, without exceeding standards of 20.6.2.3103 NMAC for any water contaminant.
2. The Permittee is allowed to discharge effluent or leachate from the Facility directly or indirectly into groundwater pursuant to this Discharge Permit and Section 20.6.2.3104 NMAC.

3. The discharge from the Facility is not subject to any of the exemptions of Section 20.6.2.3105 NMAC including Subsection 20.6.2.3105.A which allows an exemption from obtaining a discharge permit if the discharge is composed of effluent or leachate which conforms to all the standards in Subsection A, B, and C of Section 20.6.2.3103 NMAC and has a total nitrogen concentration of 10 mg/L or less.

III. AUTHORIZATION TO DISCHARGE

The Permittee is responsible for ensuring that discharges authorized by this Discharge Permit are consistent with the terms and conditions herein pursuant to 20.6.2.3104 NMAC.

This Discharge Permit authorizes the Permittee to discharge up to 18,250,000 gallons per year or 50,000 gpd of domestic septage waste and chemical toilet waste to a synthetically lined impoundment system for disposal by evaporation. Domestic septage and chemical toilet waste discharges to a concrete receiving basin with a bar screen for solid settling and trash removal. The waste then gravity flows to four synthetically lined evaporative impoundments; Pond A, Pond B, Pond C, and Pond D. Solid material and debris from the receiving basin are hauled off-site for disposal.

This Discharge Permit prohibits waste types other than domestic septage and chemical toilet waste at this Facility.

[20.6.2.3104 NMAC, Subsection C of 20.6.2.3106 NMAC, Subsection D of 20.6.2.3109 NMAC]

IV. CONDITIONS

NMED issues this Discharge Permit for the discharge of water contaminants subject to the following conditions.

A. OPERATIONAL PLAN

#	Terms and Conditions
1.	The Permittee shall implement the following operational plan to ensure compliance with Title 20, Chapter 6, Parts 2 and 4 NMAC. [Subsection C of 20.6.2.3109 NMAC]
2.	The Permittee shall operate in a manner that does not violate standards and requirements of Sections 20.6.2.3101 and 20.6.2.3103 NMAC. [20.6.2.3101 NMAC, 20.6.2.3103 NMAC, Subsection C of 20.6.2.3109 NMAC]

Operational Actions with Implementation Deadlines

#	Terms and Conditions
3.	<p>Prior to discharging to the Facility, the Permittee shall submit written notification to NMED stating the date the discharge is to commence.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection H of 20.6.2.3109 NMAC]</p>
4.	<p>Prior to discharging to the Facility, the Permittee shall submit an up-to-date diagram of the layout of the entire Facility to NMED. The diagram shall include the following elements:</p> <ul style="list-style-type: none">• a north arrow;• the effective date of the diagram;• all components of the evaporation system including the receiving station and the solid(s) concrete storage pad;• all waste transfer lines; and• all groundwater monitoring wells. <p>The Permittee shall ensure that any element that cannot be directly shown due to its location inside of existing structures, or because it is buried without surface identification, shall be on the diagram in a schematic format and identified as such.</p> <p>[Subsection C of 20.6.2.3106 NMAC, Subsection A of 20.6.2.3107 NMAC]</p>
5.	<p>Prior to discharging to the evaporation system, the Permittee shall complete construction of the concrete receiving basin, construction and lining of Pond A and Pond B, the lining of Pond C and Pond D and the construction of the concrete pad for solid material and debris storage in accordance with the final construction plans and specifications submitted to NMED (dated May 8, 2020) by the professional engineer of record. The Permittee shall notify NMED at the commencement of construction to allow NMED personnel to be onsite for inspection during construction.</p> <p>Within 30 days of completing construction of the evaporation system the Permittee shall submit record drawings to NMED that bear the seal and signature of a licensed New Mexico professional engineer (pursuant to the New Mexico Engineering and Surveying Practice Act and the rules promulgated under that authority) for the constructed evaporation system.</p> <p>[Subsections A and C of 20.6.2.1202 NMAC, Subsection C of 20.6.2.3109 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]</p>

Operating Conditions

#	Terms and Conditions
6.	<p>The Permittee shall maintain fences around the Facility to restrict access by the general public and animals. The fences shall consist of a minimum of six-foot chain link or field fencing and locking gates. The Permittee shall maintain the fences to serve the stated purpose throughout the term of this Discharge Permit.</p> <p>The Permittee shall submit documentation demonstrating fence installation consisting of a date-stamped photographs. The documentation shall be submitted with the Facility record drawings required by this Discharge Permit.</p> <p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>
7.	<p>The Permittee shall install and maintain the following signs at the following locations:</p> <ul style="list-style-type: none">• Signs in both English and Spanish that state: "Notice: Waste Disposal Area - KEEP OUT" and "Aviso: Área de Disposición - NO ENTAR" posted at the Facility entrance and every 500 feet along the Facility boundary.• A sign posted at the entrance gate with the following information:<ul style="list-style-type: none">○ the name of the Facility;○ the name of a Facility contact person;○ the office phone number of the contact person;○ the emergency contact phone number for the Facility; and○ New Mexico Environment Department, Discharge Permit #1907 – dial 505-827-2900. <p>These signs shall be weatherproof and maintained to serve their purpose for the term of this Discharge Permit.</p> <p>The Permittee shall submit documentation to NMED of sign installation consisting of a narrative statement describing the signs and their locations, and date-stamped photographs. The documentation shall be submitted with the Facility record drawings required by this Discharge Permit.</p> <p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>
8.	<p>The Permittee shall maintain the impoundment liners as to avoid conditions that could affect the liner or the structural integrity of the impoundments. Characterization of such conditions may include the following:</p> <ul style="list-style-type: none">• erosion damage;• animal burrows or other animal damage;

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	<ul style="list-style-type: none"> • the presence of vegetation including aquatic plants, weeds, woody shrubs, or trees growing within five feet of the top inside edge of a sub-grade impoundment, within five feet of the toe of the outside berm of an above-grade impoundment, or within the impoundment itself; • the presence of large debris or large quantities of debris in the impoundment; • evidence of seepage; or • evidence of berm subsidence. <p>The Permittee shall routinely control vegetation growing around the impoundments by mechanical removal that is protective of the impoundment liner.</p> <p>The Permittee shall visually inspect the impoundments and surrounding berms on a monthly basis to ensure proper maintenance. In the event that inspection reveals any evidence of damage that threatens the structural integrity of an impoundment berm or liner, or that may result in an unauthorized discharge, the Permittee shall implement the Contingency Plan set forth in this Discharge Permit.</p> <p>The Permittee shall create and maintain a log of all impoundment inspections which describes the date of the inspection, any findings and repairs, and the name of the person responsible for the inspection. The Permittee shall make the log available to NMED upon request.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
9.	<p>The Permittee shall preserve a minimum of two feet of freeboard between the liquid level in the impoundments and the elevation of the top of the impoundment liner.</p> <p>In the event that the Permittee determines that it cannot preserve two feet of freeboard in the impoundment, the Permittee shall implement the Contingency Plan set forth in this Discharge Permit.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
10.	<p>The Permittee shall visually inspect the concrete receiving basin and the concrete storage pad on a monthly basis to ensure proper maintenance. The Permittee shall correct any conditions that have or could affect the structural integrity of the receiving basin and storage pad. The Permittee shall ensure conditions corrected include but are not limited to erosion damage, cracks, animal activity/damage, or evidence of seepage.</p> <p>The Permittee shall keep a log of the concrete receiving basin and the concrete storage pad inspections that includes a date of the inspection, any findings and repairs, and the</p>

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	<p>name of the inspector. The Permittee shall make the log available to NMED upon request.</p> <p>In the event of a failure of the concrete receiving station or the concrete storage pad, the Permittee shall enact the contingency plan set forth in this Discharge Permit.</p> <p>[20.6.2.3107 NMAC]</p>
11.	<p>The Permittee shall properly manage all solid material and debris that accumulates in the concrete receiving basin. When the solid material and debris exceeds 50% of the capacity of the receiving basin, the Permittee shall transfer solid material and debris from the receiving basin to a lined container (e.g., roll-off container with a plastic liner capable of preventing leakage) located on a concrete pad with secondary containment and with a drain and transfer line to the synthetically lined evaporative impoundments.</p> <p>The Permittee shall cover and secure each roll-off container at the end of each workday to prevent rainwater entry.</p> <p>All fluids that accumulate on the pad shall be drained to the evaporative impoundments to prevent overflow.</p> <p>The Permittee shall transport the solid material and debris to an off-site location in a manner consistent with all local, state, and federal regulations when the solid material and debris exceed 75% of the capacity of the roll-off container.</p> <p>[20.6.2.3109 NMAC]</p>
12.	<p>The Permittee shall properly manage all solids/sludge that accumulate in the synthetically lined evaporative impoundments. The Permittee shall propose a plan for the removal and disposal of solids/sludge in the event that solids/sludge accumulation exceeds 50% of the maximum liquid depth (below two feet of freeboard) in any impoundment. The Permittee shall submit the solids/sludge removal and disposal plan to NMED for approval within 90 days of determining that the solids/sludge accumulation exceeds 50% of the maximum liquid depth in the affected impoundment and shall include the following information.</p> <ol style="list-style-type: none">a) A method for removal of the solids/sludge to a depth of less than six inches throughout the affected impoundment in a manner that is protective of the impoundment liner.b) A description of how the solids/sludge will be contained, transported, and disposed of in accordance with all local, state, and federal regulations.c) A schedule for completion of the solids/sludge removal and disposal project.

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	<p>The Permittee shall initiate implementation of the plan following approval by NMED.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
13.	<p>The Permittee shall keep, at the Mesquite Waste Disposal Company LLC's office, a manifest for each load of waste received at the Facility. The manifest shall record the following information:</p> <ul style="list-style-type: none">• date of waste shipment receipt;• name of the hauling company;• name and address of the waste origin;• type of waste (domestic septage waste or chemical toilet waste);• volume or weight of waste shipment;• confirmation of inspection for acceptable waste type; and• signature of person conducting the inspection. <p>The Permittee shall make the manifests available for inspection by NMED upon request.</p> <p>The Permittee shall submit a summary listing (monthly log) of the information from each manifest for wastes received during the reporting period to NMED in the semi-annual monitoring reports.</p> <p>[NMSA 1978, § 74-6-5.D, Subsection A 20.6.2.3107 NMAC]</p>
14.	<p>The Permittee shall inspect the Facility weekly and collect any residual solid waste (trash) on the Facility site. The Permittee shall transport and dispose of the collected materials in a manner consistent with all local, state, and federal regulations.</p> <p>[20.6.2.3109 NMAC]</p>
15.	<p>The Permittee shall not accept hazardous waste at the Facility.</p> <p>The Permittee shall reject and return to the generator any waste reasonably suspected of being or containing hazardous waste, due to its origin, characteristics, or other known factors.</p> <p>The Permittee shall document all hazardous waste determination evaluations and shall permanently retain these documents at the Mesquite Waste Disposal Company LLC office and shall make documentation available to an NMED representative upon request.</p> <p>[20.6.2.10 NMAC]</p>

B. MONITORING AND REPORTING

#	Terms and Conditions
16.	The Permittee shall conduct the following monitoring, reporting, and other requirements listed below in accordance with the monitoring requirements of this Discharge Permit. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
17.	METHODOLOGY - Unless otherwise specified by this Discharge Permit, or approved in writing by NMED, the Permittee shall use sampling and analytical techniques that conform with the references listed in Subsection B of 20.6.2.3107 NMAC. [Subsection B of 20.6.2.3107 NMAC]
18.	SEMI-ANNUAL MONITORING - The Permittee shall perform monitoring during the following periods and shall submit semi-annual reports to NMED by the following due dates: <ul style="list-style-type: none"> • January 1st through June 30th – due by August 1st; and • July 1st through December 31st – due by February 1st. [Subsection A of 20.6.2.3107 NMAC]

Groundwater Monitoring Conditions

#	Terms and Conditions
19.	If groundwater is present, the Permittee shall perform semi-annual groundwater sampling in the following monitoring wells and analyze the samples for total Kjeldahl nitrogen (TKN), nitrate-nitrogen (NO ₃ -N), total dissolved solids (TDS), and chloride (Cl). <ol style="list-style-type: none"> a) MW-1, intended to be located hydrologically upgradient of the Facility. b) MW-2, intended to be located hydrologically downgradient of Pond C. c) MW-3, intended to be located hydrologically downgradient of Pond D. The Permittee shall perform groundwater sample collection, preservation, transportation, and analysis according to the following procedures. <ol style="list-style-type: none"> a) Measure the depth-to-most-shallow groundwater from the top of the well casing to the nearest hundredth of a foot. b) Purge three well volumes of water from the well prior to sample collection. c) Obtain samples from the well for analysis. d) Properly prepare, preserve, and transport samples. e) Analyze samples in accordance with the methods authorized in this Discharge Permit.

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	<p>The Permittee shall submit the depth-to-most-shallow groundwater measurements, laboratory analytical data results, including the laboratory QA/QC summary report, and a Facility layout map showing the location and number of each well to NMED in the semi-annual monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
20.	<p>If groundwater is present, the Permittee shall develop a groundwater elevation contour map, i.e., potentiometric surface map, on a semi-annual basis using the top of casing elevation data from the monitoring well survey and the most recent semi-annual depth-to-most-shallow groundwater measurements, referenced to mean sea level, obtained during the groundwater sampling required by this Discharge Permit.</p> <p>The groundwater elevation contour map shall depict the groundwater flow direction based on the groundwater elevation contours. The Permittee shall estimate groundwater elevations between monitoring well locations using common interpolation methods. The Permittee shall use a contour interval appropriate to the data but shall not be greater than two feet. Groundwater elevation contour maps shall use arrows to depict the groundwater flow direction based on the orientation of the groundwater elevation contours, and shall locate and identify each monitoring well and contaminant source.</p> <p>The Permittee shall submit to NMED a groundwater elevation contour map in the semi-annual monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
21.	<p>NMED shall have the option to perform downhole inspections of all groundwater monitoring wells identified in this Discharge Permit. NMED shall establish the inspection date and provide at least a 60-day notice to the Permittee by certified mail. The Permittee shall remove any existing dedicated pumps at least 48 hours prior to NMED inspection to allow adequate settling time of sediment agitated from pump removal.</p> <p>Should a Facility not have existing dedicated pumps but decide to install pumps in any of the monitoring wells, the Permittee shall notify NMED at least 90 days prior to pump installation so that NMED can schedule a downhole well inspection(s) prior to pump placement.</p> <p>[Subsections A and D of 20.6.2.3107 NMAC]</p>

Facility Monitoring Conditions

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22.	<p>The Permittee shall maintain a monthly log detailing waste received at the Facility. The log shall include the following information:</p> <ul style="list-style-type: none"> • name of hauling company; • date of waste shipment receipt; • name and address of the waste origin; • waste type (domestic septage or chemical toilet); • volume of waste shipment; and • initials of person conducting waste confirmation inspection. <p>The Permittee shall submit the monthly logs to NMED in the semi-annual monitoring reports.</p> <p>[20.6.2.3107 NMAC]</p>
23.	<p>The Permittee shall collect a composite wastewater sample on a semi-annual basis from each synthetically lined impoundment. Each composite sample shall consist of a minimum of six equal aliquots collected equidistantly around the perimeter of the evaporative impoundment and thoroughly mixed. The Permittee shall analyze the composite sample for:</p> <ul style="list-style-type: none"> • TKN; • NO₃-N; • TDS; • Cl; and • pH. <p>The Permittee shall ensure the samples are properly prepared, preserved, transported, and analyzed in accordance with the methods authorized in this Discharge Permit. The Permittee shall submit the laboratory analytical data results, including the QA/QC summary and Chain of Custody, to NMED in the semi-annual monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]</p>
24.	<p>The Permittee shall prepare a report that details the removal of dried domestic septage and chemical toilet waste (solid material and debris) from the concrete receiving basin and roll-off container. The report shall include the following information:</p> <ul style="list-style-type: none"> • the date(s) of the solid material and debris removal; • the volume of waste material removed in each shipment; and • address and contact information of the disposal facility that received the waste material for disposal.

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	<p>The Permittee shall dispose of solid material and debris from the domestic septage and chemical toilet waste in accordance with all local, state, and federal waste disposal regulations.</p> <p>The Permittee shall submit the report to NMED in the semi-annual monitoring reports.</p> <p>[20.6.2.3107 NMAC]</p>

C. CONTINGENCY PLAN

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25.	<p>In the event that groundwater monitoring indicates that groundwater exceeds a standard identified in Section 20.6.2.3103 NMAC in a monitoring well with no previous exceedances at the date of issuance of this Discharge Permit, the Permittee shall collect a confirmatory sample from the monitoring well within 15 days of receipt of the initial sampling results to confirm the initial sampling results.</p> <p>Within 60 days of confirmation of groundwater contamination, the Permittee shall submit to NMED a Corrective Action Plan (CAP) that proposes, at a minimum, source control measures and an implementation schedule. The Permittee shall the CAP as approved by NMED.</p> <p>Once invoked (whether during the term of this Discharge Permit, or after the term of this Discharge Permit and prior to the completion of the Discharge Permit closure plan requirements), this condition shall apply until the Permittee has fulfilled the requirements of this condition and groundwater monitoring confirms for a minimum of eight (8) consecutive quarterly samples that groundwater does not exceed the standards of Section 20.6.2.3103 NMAC.</p> <p>Violation of the groundwater standard beyond 180 days after the confirmation of groundwater contamination may cause NMED to require the Permittee to abate water pollution consistent with the requirements and provisions of Section 20.6.2.4101, Section 20.6.2.4103, Subsections C and E of 20.6.2.4106, Section 20.6.2.4107, Section 20.6.2.4108 and Section 20.6.2.4112 NMAC.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]</p>
26.	<p>In the event that information available to NMED indicates that a well is not constructed in a manner consistent with the attachment titled <i>Ground Water Discharge Permit</i></p>

#	Terms and Conditions
	<p><i>Monitoring Well Construction and Abandonment Conditions</i>, Revision 1.1, March 2011 (Monitoring Well Guidance); contains insufficient water to effectively monitor groundwater quality; or is otherwise not completed in a manner that is protective of groundwater quality, the Permittee shall install a replacement well(s) within 120 days following notification from NMED.</p> <p>The Permittee shall survey the replacement monitoring wells within 30 days following well completion.</p> <p>The Permittee shall install replacement wells at locations approved by NMED prior to installation and shall complete replacement wells in accordance with the attached Monitoring Well Guidance. The Permittee shall submit well construction and lithologic logs, survey data and a groundwater elevation contour map to NMED within 60 days following well completion.</p> <p>The Permittee shall properly plug and abandon a monitoring well requiring replacement upon completion of the replacement monitoring well. The Permittee shall complete the well plugging and abandonment and shall document the abandonment procedures in accordance with the attached Monitoring Well Guidance and all applicable local, state, and federal regulations. The Permittee shall submit a copy of the well abandonment documentation to NMED within 60 days following the replacement well completion.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
27.	<p>In the event that groundwater flow information obtained pursuant to this Discharge Permit indicates that a monitoring well is not appropriately located, e.g., hydrologically downgradient of the discharge location it is intended to monitor, the Permittee shall install a replacement well within 120 days following notification from NMED. The Permittee shall survey the replacement monitoring well within 30 days following well completion.</p> <p>The Permittee shall install replacement wells at locations approved by NMED prior to installation and shall complete replacement wells in accordance with the attached Monitoring Well Guidance. The Permittee shall submit construction and lithologic logs, survey data and a groundwater elevation contour map within 60 days following well completion.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
28.	<p>In the event that an inspection reveals significant damage has occurred or is likely to affect the structural integrity of a impoundment liner or its ability to contain</p>

#	Terms and Conditions
	<p>contaminants, the Permittee shall propose the repair or replacement of the impoundment liner by submitting a Corrective Action Plan (CAP) to NMED for approval. The Permittee shall ensure the CAP is submitted to NMED within 30 days after discovery of the damage or following notification from NMED that significant liner damage is evident. The Permittee shall ensure the CAP includes a schedule for completion of corrective actions. The Permittee shall initiate implementation of the CAP following approval by NMED.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
29.	<p>In the event that an impoundment cannot preserve a minimum of two feet of freeboard, the Permittee shall take actions to restore the required freeboard as authorized by this Discharge Permit and all applicable local, state, and federal regulations.</p> <p>In the event that two feet of freeboard cannot be restored within a period of 72 hours following discovery, the Permittee shall propose actions to restore two feet of freeboard by submitting a short-term Corrective Action Plan (CAP) to NMED for approval. Examples of short-term corrective actions include the pumping and hauling of excess wastewater from the impoundment or reducing the volume of wastewater discharged to the impoundment. The Permittee shall ensure the CAP includes a schedule for completion of corrective actions. The Permittee shall submit the CAP within 15 days following the date the Permittee or the NMED discover the exceedance. The Permittee shall initiate implementation of the CAP following NMED approval.</p> <p>In the event that the short-term corrective actions fail to restore two feet of freeboard, the Permittee shall submit to NMED a proposal for permanent corrective actions in a long-term CAP. The Permittee shall submit the long-term CAP within 90 days following failure of the short-term CAP. Example corrective actions include the installation of an additional storage impoundment or a significant and permanent reduction in the volume of wastewater discharged to the impoundment. The Permittee shall ensure the long-term CAP includes a schedule for completion of corrective actions. The Permittee shall implement the CAP following NMED approval.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
30.	<p>In the event that an inspection reveals significant damage has occurred or is likely to affect the structural integrity of the concrete receiving basin and/or the concrete storage pad or their ability to contain contaminants, the Permittee shall propose the repair or replacement of the basin or pad by submitting a CAP to NMED for approval. The Permittee shall submit the CAP to NMED within 30 days after discovery of the damage or following notification from NMED that significant damage is evident. The Permittee</p>

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	<p>shall ensure the CAP includes a schedule for completion of corrective actions. The Permittee shall initiate implementation of the Plan following approval by NMED.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
31.	<p>In the event that a release (commonly known as a “spill”) occurs that is not authorized under this Discharge Permit, the Permittee shall take measures to mitigate damage from the unauthorized discharge and initiate the notifications and corrective actions required in Section 20.6.2.1203 NMAC and summarized below.</p> <p>Within <u>24 hours</u> following discovery of the unauthorized discharge, the Permittee shall verbally notify NMED and provide the following information.</p> <ul style="list-style-type: none"> a) The name, address, and telephone number of the person or persons in charge of the Facility, as well as of the owner and/or operator of the Facility. b) The name and address of the Facility. c) The date, time, location, and duration of the unauthorized discharge. d) The source and cause of unauthorized discharge. e) A description of the unauthorized discharge, including its estimated chemical composition. f) The estimated volume of the unauthorized discharge. g) Any actions taken to mitigate immediate damage from the unauthorized discharge. <p>Within <u>one week</u> following discovery of the unauthorized discharge, the Permittee shall submit written notification to NMED providing the information listed above and any pertinent updates.</p> <p>Within <u>15 days</u> following discovery of the unauthorized discharge, the Permittee shall submit a Corrective Action Plan (CAP) to NMED describing any corrective actions previously taken and corrective actions to be taken relative to the unauthorized discharge. The CAP shall include the following information.</p> <ul style="list-style-type: none"> a) A description of proposed actions to mitigate damage from the unauthorized discharge. b) A description of proposed actions to prevent future unauthorized discharges of this nature. c) A schedule for completion of proposed actions. <p>In the event that the unauthorized discharge causes or may with reasonable probability cause water pollution in excess of the standards and requirements of Section 20.6.2.4103 NMAC, and the water pollution will not be abated within 180 days after notice is required to be given pursuant to Paragraph (1) of Subsection A of 20.6.2.1203 NMAC, NMED may</p>

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	<p>require the Permittee to abate water pollution pursuant to Sections 20.6.2.4000 through 20.6.2.4115 NMAC.</p> <p>The Permittee shall not construe anything in this condition as relieving them of the obligation to comply with all requirements of Section 20.6.2.1203 NMAC.</p> <p>[20.6.2.1203 NMAC]</p>
32.	<p>In the event that NMED or the Permittee identifies any failures of the discharge plan, i.e., the application, or this Discharge Permit not specifically noted herein, NMED may require the Permittee to submit a Corrective Action Plan and a schedule for completion of corrective actions to address the failure(s). Additionally, NMED may require a discharge permit modification to achieve compliance with 20.6.2 NMAC.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]</p>

D. CLOSURE PLAN

Permanent Facility Closure Conditions

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33.	<p>The Permittee shall perform the following closure measures in the event the Facility, or a component thereof, is proposed to be permanently closed.</p> <p>Within 60 days of ceasing to discharge to the concrete receiving basin, the Permittee shall complete the following closure measures.</p> <ul style="list-style-type: none"> a) Solid material and debris from domestic septage and chemical toilet waste from the receiving basin and roll-off container shall be contained, transported, and disposed of off-site in accordance with all local, state, and federal regulations, including 40 CFR Part 503. The Permittee shall maintain a record of all solid material and debris transported for off-site disposal. b) The transfer line(s) from the receiving basin to all synthetically lined evaporative impoundments shall be plugged so that a discharge can no longer occur. <p>Within <u>60 days</u> of ceasing to discharge to the impoundment(s), the Permittee shall plug the line leading to the impoundment so that a discharge can no longer occur.</p> <p>Within <u>60 days</u> of ceasing to discharge to the impoundment(s), the Permittee shall evaporate or drain the wastewater from the impoundment and any other wastewater system component and disposed of it in accordance with all local, state, and federal</p>

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	<p>regulations.</p> <p>Within <u>90 days</u> of ceasing to discharge to the impoundment(s), the Permittee shall submit a solids/sludge removal and disposal plan to NMED for approval. The Permittee shall implement the plan within 30 days following approval by NMED. The solids/sludge removal and disposal plan shall include the following information.</p> <ul style="list-style-type: none"> a) The method of solids/sludge <i>removal</i> from the impoundment(s). b) The method of <i>disposal</i> for all of the solids/sludge (and its contents) removed from the impoundment(s). The method shall comply with all local, state, and federal regulations, including 40 CFR Part 503. <i>Note: A proposal that includes the surface disposal of sludge may be subject to Groundwater Discharge Permitting requirements pursuant to 20.6.2.3104 NMAC that are separate from the requirements of this Discharge Permit.</i> c) A schedule for completion of sludge removal and disposal not to exceed two years from the date discharge to the impoundment(s) ceased. <p>Within <u>one year</u> following completion of the sludge removal and disposal, the Permittee shall complete the following closure measures.</p> <ul style="list-style-type: none"> a) Remove all lines leading to and from the impoundment(s) and the receiving station, or permanently plug and abandon them in place. b) Remove or demolish any other Facility components and re-grade area with suitable fill to blend with surface topography, promote positive drainage, and prevent ponding. c) Perforate or remove the impoundment liner(s). d) Fill the impoundment(s) with suitable fill. e) Re-grade the impoundment site(s) to blend with surface topography, promote positive drainage, and prevent ponding. <p>If groundwater is present, the Permittee shall continue groundwater monitoring until the Permittee meets the requirements of this condition and groundwater monitoring confirms for a minimum of eight consecutive quarterly groundwater sampling events that groundwater does not exceed the standards of Section 20.6.2.3103 NMAC. This period is referred to as “post-closure”.</p> <p>If at any time monitoring results show an exceedance of a groundwater quality standard in Section 20.6.2.3103 NMAC, the Permittee shall implement the Contingency Plan required by this Discharge Permit.</p> <p>Following notification from NMED that the Permittee may cease post-closure monitoring, the Permittee shall plug and abandon the monitoring well(s) in accordance</p>

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	<p>with the attached Monitoring Well Guidance.</p> <p>When the Permittee has met all closure and post-closure requirements and verified appropriate actions with date stamped photographic evidence or an associated NMED inspection, the Permittee may submit to NMED a written request, including photographic evidence, for termination of the Discharge Permit.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection D of 20.6.2.4103 NMAC, 40 CFR Part 503]</p>

E. GENERAL TERMS AND CONDITIONS

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34.	<p>RECORD KEEPING - The Permittee shall maintain a written record of the following:</p> <ul style="list-style-type: none"> • Information and data used to complete the application for this Discharge Permit; • Any releases (commonly known as “spills”) not authorized under this Discharge Permit and reports submitted pursuant to 20.6.2.1203 NMAC; • The operation, maintenance, and repair of all facilities/equipment used to store or dispose of wastewater; • Facility record drawings (plans and specifications) showing the actual construction of the Facility and bear the seal and signature of a licensed New Mexico professional engineer; • Copies of logs, inspection reports, and monitoring reports completed and/or submitted to NMED pursuant to this Discharge Permit; • The volume of wastewater or other wastes discharged pursuant to this Discharge Permit; • Groundwater quality and wastewater quality data collected pursuant to this Discharge Permit; • Copies of construction records (well logs) for all sampled groundwater monitoring wells pursuant to this Discharge Permit; • The maintenance, repair, replacement, or calibration of any monitoring equipment required by this Discharge Permit; and • Data and information related to field measurements, sampling, and analysis conducted pursuant to this Discharge Permit, including: <ul style="list-style-type: none"> ○ the dates, locations, and times of sampling or field measurements; ○ the name and job title of the individuals who performed each sample collection or field measurement; ○ the sample analysis date of each sample; ○ the name and address of the laboratory, and the name of the signatory authority for the laboratory analysis;

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	<ul style="list-style-type: none"> ○ the analytical technique or method used to analyze each sample or collect each field measurement; ○ the results of each analysis or field measurement, including raw data; ○ the results of any split, spiked, duplicate, or repeat sample; and ○ a copy of the laboratory analysis chain-of-custody as well as a description of the quality assurance and quality control procedures used. <p>The Permittee shall maintain the written record at a location accessible to NMED during a Facility inspection for the lifetime of the Discharge Permit. The Permittee shall make the record available to the department upon request.</p> <p>[Subsections A and D of 20.6.2.3107 NMAC]</p>
35.	<p>SUBMITTALS - The Permittee shall submit both a copy of all notification and reporting documents required by this Discharge Permit, e.g., monitoring reports. The documents shall be submitted to the NMED Permit Contact identified on the Permit cover page.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
36.	<p>INSPECTION and ENTRY - The Permittee shall allow NMED to inspect the Facility and its operations that are subject to this Discharge Permit and the WQCC regulations. NMED may, upon presentation of proper credentials, enter at reasonable times upon or through any premises in which a water contaminant source is located or in which any maintained records required by this Discharge Permit, the regulations of the federal government, or the WQCC are located.</p> <p>The Permittee shall allow NMED to have access to and reproduce for their use any copy of the records, and to perform assessments, sampling or monitoring, during an inspection for the purpose of evaluating compliance with this Discharge Permit and the WQCC regulations.</p> <p>No person shall construe anything in this Discharge Permit as limiting in any way the inspection and entry authority of NMED under the WQA, the WQCC Regulations, or any other local, state, or federal regulations.</p> <p>[Subsection D of 20.6.2.3107 NMAC, NMSA 1978, §§ 74-6-9.B and 74-6-9.E]</p>
37.	<p>DUTY to PROVIDE INFORMATION - The Permittee shall, upon NMED's request, allow for NMED's inspection/duplication of records required by this Discharge Permit and/or furnish to NMED copies of such records.</p> <p>[Subsection D of 20.6.2.3107 NMAC]</p>

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38.	<p>MODIFICATIONS and/or AMENDMENTS - In the event the Permittee proposes a change to the Facility or the discharge to the Facility that would result in a change in the volume discharged; the location of the discharge; or in the amount or character of water contaminants received, by the Facility, the Permittee shall notify NMED prior to implementing such changes. The Permittee shall obtain NMED's approval (which may require modification of this Discharge Permit) prior to implementing such changes.</p> <p>[Subsection C of 20.6.2.3107 NMAC, Subsections E and G of 20.6.2.3109 NMAC]</p>
39.	<p>PLANS and SPECIFICATIONS - In the event the Permittee proposes to construct a wastewater system or change a process unit of an existing system such that the quantity or quality of the discharge will change substantially from that authorized by this Discharge Permit, the Permittee shall submit construction plans and specifications of the proposed system or process unit to NMED for approval prior to the commencement of construction.</p> <p>In the event the Permittee implements changes to the wastewater system authorized by this Discharge Permit that result in only a minor effect on the character of the discharge, the Permittee shall report such changes (including the submission of record drawings where applicable) to NMED prior to implementation.</p> <p>[Subsections A and C of 20.6.2.1202 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]</p>
40.	<p>CIVIL PENALTIES - Any violation of the requirements and conditions of this Discharge Permit, including any failure to allow NMED staff to enter and inspect records or facilities, or any refusal or failure to provide NMED with records or information, may subject the Permittee to a civil enforcement action. Pursuant to WQA 74-6-10(A) and (B), such action may include a compliance order requiring compliance immediately or in a specified time, assessing a civil penalty, modifying or terminating the Discharge Permit, or any combination of the foregoing; or an action in district court seeking injunctive relief, civil penalties, or both. Pursuant to WQA 74-6-10(C) and 74-6-10.1, civil penalties of up to \$15,000 per day of noncompliance may be assessed for each violation of the WQA 74-6-5, the WQCC Regulations, or this Discharge Permit, and civil penalties of up to \$10,000 per day of noncompliance may be assessed for each violation of any other provision of the WQA, or any regulation, standard, or order adopted pursuant to such other provision. In any action to enforce this Discharge Permit, the Permittee waives any objection to the admissibility as evidence of any data generated pursuant to this Discharge Permit.</p> <p>[20.6.2.1220 NMAC, NMSA 1978, §§ 74-6-10 and 74-6-10.1]</p>
41.	<p>CRIMINAL PENALTIES - No person shall:</p>

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	<ul style="list-style-type: none"> • Make any false material statement, representation, certification, or omission of material fact in an application, record, report, plan, or other document filed, submitted, or maintained under the WQA; • Falsify, tamper with, or render inaccurate any monitoring device, method, or record maintained under the WQA; or • Fail to monitor, sample, or report as required by a permit issued pursuant to a state or federal law or regulation. <p>Any person who knowingly violates or knowingly causes or allows another person to violate the requirements of this condition is guilty of a fourth-degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who is convicted of a second or subsequent violation of the requirements of this condition is guilty of a third-degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition or knowingly causes another person to violate the requirements of this condition and thereby causes a substantial adverse environmental impact is guilty of a third-degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition and knows at the time of the violation that he is creating a substantial danger of death or serious bodily injury to any other person is guilty of a second degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15.</p> <p>[20.6.2.1220 NMAC, NMSA 1978, §§ 74-6-10.2.A through 74-6-10.2.F]</p>
42.	<p>COMPLIANCE with OTHER LAWS - Nothing in this Discharge Permit shall be construed in any way as relieving the Permittee of the obligation to comply with any other applicable federal, state, and/or local laws, regulations, zoning requirements, nuisance ordinances, permits, or orders.</p> <p>[NMSA 1978, § 74-6-5.L]</p>
43.	<p>RIGHT to APPEAL - The Permittee may file a petition for review before the WQCC on this Discharge Permit. Such petition shall be in writing to the WQCC within thirty days of the receipt of postal notice of this Discharge Permit and shall include a statement of the issues raised and the relief sought. Unless the Permittee files a timely petition for review, the decision of NMED shall be final and not subject to judicial review.</p> <p>[20.6.2.3112 NMAC, NMSA 1978, § 74-6-5.O]</p>
44.	<p>TRANSFER of DISCHARGE PERMIT - Prior to the transfer of any ownership, control, or possession of this Facility or any portion thereof, the Permittee shall:</p>

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	<ul style="list-style-type: none">• Notify the proposed transferee in writing of the existence of this Discharge Permit;• Include a copy of this Discharge Permit with the notice; and• Deliver or send by certified mail to NMED a copy of the notification and proof that the proposed transferee has received such notification. <p>The Permittee shall continue to be responsible for any discharge from the Facility, until both ownership and possession of the Facility have been transferred to the transferee.</p> <p>[20.6.2.3111 NMAC]</p>
45.	<p>PERMIT FEES - The Permittee shall be aware that the payment of permit fees is due at the time of Discharge Permit approval. The Permittee may pay the permit fees in a single payment or they may pay the fee in equal installments on a yearly basis over the term of the Discharge Permit. The Permittee shall remit single payments to NMED no later than 30 days after the Discharge Permit issuance date. The Permittee shall remit initial installment payments to NMED no later than 30 days after the Discharge Permit issuance date; with subsequent installment payments remitted to NMED no later than the anniversary of the Discharge Permit issuance date.</p> <p>Permit fees are associated with <u>issuance</u> of this Discharge Permit. No person shall construe anything in this Discharge Permit as relieving the Permittee of the obligation to pay all permit fees assessed by NMED. A Permittee that ceases discharging or does not commence discharging from the Facility during the term of the Discharge Permit shall pay all permit fees assessed by NMED. NMED shall suspend or terminate an approved Discharge Permit if the Permittee fails to remit an installment payment by its due date.</p> <p>[Subsection F of 20.6.2.3114 NMAC, NMSA 1978, § 74-6-5.K]</p>